

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL E. WILLIAMS,

ORDER

Plaintiff,

10-cv-433-bbc

v.

GREGORY GRAMS, JANEL NICKEL,
DALON RADTKE, LORI ALSUM,
STEVE HELGERSON, DR. DALIA SULIENE,
MARY LEISER and PAUL KETARKUS,

Defendant.

In an order entered on August 27, 2010, I granted plaintiff's request to use release account funds to pay the initial partial payment of \$159.45 for filing his complaint as required by 28 U.S.C. § 1915(b)(1). I told plaintiff that if, by September 15, 2010, he failed to make the initial partial payment or explain his failure to do so, he would be held to have withdrawn this action voluntarily and in that event, the clerk of court would be directed to close this file without prejudice to plaintiff's filing his case at a later date. Now plaintiff has filed a motion in which he asks the court to direct Alice Rogers of Inmate Accounts at the Columbia Correctional Institution to send his payment to the court.

In his motion, plaintiff says that he submitted to the institution business office an envelope addressed to the court, a money disbursement to transfer \$159.45 from his release savings account and an interview/information request directing the business office to send the \$159.45 as ordered by the court. However, the interview/information request plaintiff attached to his motion shows that in response to plaintiff's request, the business office told plaintiff, "Envelope not enclosed or pre addressed. No order included. Can't process with all the required things." It appears that plaintiff did not fully comply with institution procedures to have the money disbursed to the court. Therefore, I will deny his motion.

In the August 27 order, I told plaintiff that he should provide a copy of the order to prison officials so that they know that they should send plaintiff's initial partial payment to this court. If plaintiff has not already taken this step, he should do so immediately. Should plaintiff follow the business office directives and continue to have further difficulties in submitting his payment to the court, he is free to renew his motion at a later time. I will grant plaintiff an extension of time until October 1, 2010, in which to arrange for payment of his initial partial filing fees.

ORDER

IT IS ORDERED that plaintiff Michael Williams's motion for an order directing the business office to send plaintiff's initial partial payment to the court, dkt. #8, is DENIED

without prejudice. Plaintiff may have an extension of time until October 1, 2010, to submit a check or money order made payable to the clerk of court in the amount of \$159.45. If, by October 1, 2010, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing a new suit when he has the funds to pay the filing fee.

Entered this 17th day of September, 2010.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge
